

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

MAR 18 2016

for the

District of New Mexico

United States of America

v.

Ruben FUENTES, Jr.

MATTHEW J. DYKMAN
CLERK

Case No.

16mj1078

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2016 in the county of Quay in the
State and District of New Mexico, the defendant(s) violated:

Code Section

Title 21, United States Code,
Sections 841(a)(1) and (b)(1)(A)

Offense Description

To knowingly or intentionally manufacture, distribute, or dispense, or possess
with intent to manufacture, distribute, or dispense, a controlled substance, to
wit; a mixture or substance containing a detectable amount of
methamphetamine, 500 grams or more.

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.

Complainant's signature

Steven G. Lopez, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/18/2016

Judge's signature

City and state: Albuquerque, New Mexico

Kirtan Khalsa U.S. Magistrate Judge

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

United States of America

v.

Ruben FUENTES, Jr.

AFFIDAVIT

I, Steven G. Lopez, being duly sworn, hereby depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I, Steven G. Lopez, am employed as a Special Agent (SA) with the Department of Homeland Security, U.S. Immigration & Customs Enforcement (ICE), Homeland Security Investigations (HSI), and have been employed by HSI as such since April 2002. Your affiant is currently assigned to HSI Albuquerque, where it is your affiant's duties to investigate violations of Immigration and Customs laws, which include financial crimes, narcotics investigations, false and fraudulent use of identification documents, Customs and Firearms export violations, and the smuggling of narcotics. I have been a federal law enforcement officer for approximately 17 years in total with Homeland Security Investigations and the United States Customs Service.
2. As an HSI Special Agent, I am authorized and presently assigned to investigate violations of Title 21, United States Code, Section 841 and other violations of federal law. I have also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal and informal training from other law enforcement officers, investigators, and Special Agents; interviews of informants and arrestees, and interviews of other knowledgeable individuals.
3. The information contained in this affidavit is not an exhaustive account of everything I know about this case. Rather, it contains only the facts that I believe are necessary to establish probable cause in support of a criminal complaint against Ruben FUENTES, Jr., for violation of Title 21, United States Code, § 841(a)(1), and (b)(1)(A), possession with intent to distribute 500 grams and more of a mixture and substance containing methamphetamine.
4. The information contained within the affidavit is based on my training and experience, as well as information imparted to me by other law enforcement officers involved in this investigation.

RELEVANT STATUTES

5. This investigation concerns alleged violations of 21 U.S.C. § 841(a)(1) and (b)(1)(A).
6. 21 U.S.C. § 841(a)(1) prohibits any person to knowingly or intentionally manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance.

DETAILS OF INVESTIGATION

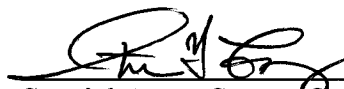
7. On March 10, 2016, at approximately 1205 hours, New Mexico State Police Officer Gerardo Hernandez initiated a traffic stop of a gold color, Pontiac G-6 four-door displaying OK plate number 355 MIM East bound on Interstate 40 near milepost 327. Officer Hernandez noted this vehicle driving at a rate of speed of 90 miles per hour in a posted 75 mile per hour zone.
8. Officer Hernandez identified the driver as Ruben FUENTES, Jr. Officer Hernandez identified the passenger as Sara VELAZQUEZ-Fuentes. Officer Hernandez asked Mr. FUENTES for his driver's license, vehicle registration and insurance. Mr. FUENTES told Officer Hernandez that he did not have a driver's license. While running database queries and waiting for information to be returned, Officer Hernandez engaged Mr. FUENTES in conversation regarding his trip. Officer Hernandez learned that Mr. FUENTES was traveling back from Albuquerque, NM to Oklahoma City, Oklahoma after a two (2) day trip to visit his "cousin." During the entire contact, Officer Hernandez noticed that Mr. FUENTES was visibly nervous. Officer Hernandez received information that Mr. FUENTES' driver's license was suspended out of Oklahoma.
9. Officer Hernandez then approached the passenger side of the vehicle and spoke with the passenger Sara VELAZQUEZ-Fuentes. Officer Hernandez asked Ms. VELAZQUEZ-Fuentes about their trip. Ms. VELAZQUEZ-Fuentes told Officer Hernandez that she and her son, Ruben FUENTES Jr, were returning to Oklahoma City, Oklahoma from Los Angeles, California. Officer Hernandez asked Ms. VELAZQUEZ-Fuentes if they had made a stop in Albuquerque, NM. Ms. VELAZQUEZ-Fuentes stated that they did not stop in Albuquerque, NM. Officer Hernandez asked Ms. VELAZQUEZ-Fuentes if they had visited any family in Albuquerque, NM, of which she stated that they had not. Officer Hernandez then walked back to Mr. FUENTES and finished writing the citations.
10. Officer Hernandez then provided Mr. FUENTES all of his documents and citations, then asked Mr. FUENTES if he had any questions, of which he did not. As Mr. FUENTES was walking away, Officer Hernandez asked him if he would answer a couple of questions. Mr. Fuentes freely agreed to answer questions. Due to extreme nervousness exhibited by Mr. FUENTES and the inconsistent stories between he and his mother, Officer Hernandez asked for and was granted written consent to search the vehicle by both Mr. FUENTES and Ms. VELAZQUEZ-Fuentes. During the search of the vehicle, Officer Hernandez opened an ice chest, which was found in the trunk of the vehicle. In the chest, under the ice, Officer Hernandez discovered ten (10) containers wrapped in

plastic, which appeared to contain crystal methamphetamine. Officer Hernandez asked Mr. Fuentes if he knew what was in the packages. Mr. FUENTES admitted it was methamphetamine. Mr. FUENTES was then placed under arrest.

11. Mr. FUENTES was transported to the New Mexico State Police Office in Tucumcari, New Mexico where he was processed. The narcotics were field tested and tested positive for the properties of methamphetamine. The methamphetamine weighed approximately 13.45 pounds.
12. Officers Hernandez and Chester Bobbitt interviewed Mr. FUENTES. Prior to the interview, Mr. FUENTES was advised of his Miranda rights. Mr. FUENTES stated that he understood his rights, waived his rights and was willing to answer questions. Mr. FUENTES admitted as a favor to a friend he was to come to Albuquerque, NM and pick up drugs at a local oil change business. Mr. FUENTES stated that he was going to take the drugs back to Oklahoma City, Oklahoma and drop them off to an unknown person. Mr. FUENTES stated that he thought he was going to be paid for this favor, although was not sure of the amount.

CONCLUSION

Based on the aforementioned facts, I believe there is probable cause that on or about March 10, 2016, in the District of New Mexico, Ruben FUENTES, Jr. did violate 21 U.S.C. §§ 841(a)(1), and (b)(1)(A), possession with intent to distribute 500 grams and more of a mixture and substance containing methamphetamine.


Special Agent Steven G. Lopez
Homeland Security Investigations

Subscribed and sworn to before me
on this 18th day of March 2016.


Honorable Kirtan Khalsa
United States Magistrate Judge